

STATISTICAL INFORMATION ONLY: Debtor must select the number of each of the following items included in the Plan.

0 Valuation of Security

1 Assumption of Executory Contract or Unexpired Lease

0 Lien Avoidance

Last revised: September 1, 2018

**UNITED STATES BANKRUPTCY COURT
District of New Jersey**In Re: **Anthony J Bersito
Josephine A. Bersito**Case No.: **19-32152**

Judge: _____

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS☒ Original☐ Motions Included☐ Modified/Notice Required☐ Modified/No Notice Required

Date:

December 12, 2019THE DEBTOR HAS FILED FOR RELIEF UNDER
CHAPTER 13 OF THE BANKRUPTCY CODE.**YOUR RIGHTS MAY BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

The following matters may be of particular importance. Debtors must check one box on each line to state whether the plan includes each of the following items. If an item is checked as "Does Not" or if both boxes are checked, the provision will be ineffective if set out later in the plan.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☐ DOES ☒ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☐ DOES ☒ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney GAM Initial Debtor: AJB Initial Co-Debtor JAB

Part 1: Payment and Length of Plan

- a. The debtor shall pay 150.00 Monthly to the Chapter 13 Trustee, starting on December 1, 2019 for approximately 60 months.
- b. The debtor shall make plan payments to the Trustee from the following sources:
- ☒ Future Earnings
 - ☐ Other sources of funding (describe source, amount and date when funds are available):
- c. Use of real property to satisfy plan obligations:
- ☐ Sale of real property
Description:
Proposed date for completion: _____
 - ☐ Refinance of real property:
Description:
Proposed date for completion: _____
 - ☒ Loan modification with respect to mortgage encumbering property:
Description: Pay \$5,000.00 towards pre-petition mortgage arrears while pursuing loan modification
Proposed date for completion: June 2020
- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

☒ NONE

- a. Adequate protection payments will be made in the amount of \$ ____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).
- b. Adequate protection payments will be made in the amount of \$ ____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Georgette Miller, Esq.	Attorney Fees	3,060.00

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:
- ☒ None
 - ☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim

pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☐ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Bankamerica	209 Winding Way Road Stratford, NJ 08084 Camden County	50,000.00	0.00	5,000.00	1,372.23

b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☒ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
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-NONE-					
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt

f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

Creditor
Ally Financial

g. Secured Claims to be Paid in Full Through the Plan ☒ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan

Part 5: Unsecured Claims ☐ NONE

a. Not separately classified allowed non-priority unsecured claims shall be paid:

☐ Not less than \$___ to be distributed *pro rata*

☐ Not less than ___ percent

☒ *Pro Rata* distribution from any remaining funds

b. Separately classified unsecured claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

Part 6: Executory Contracts and Unexpired Leases ☐ NONE

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
Nissan-infiniti Lt	0.00	2017 Nissan Altima Lease Monthly payments: \$199.99	NO Arrearage	0.00

Part 7: Motions ☒ NONE

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. Motion to Avoid Liens under 11 U.S.C. Section 522(f). ■ NONE

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ■ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
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c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ■ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
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Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- Upon Confirmation
□ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☒ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: _____.

Explain below **why** the plan is being modified:

Explain below **how** the plan is being modified:

Are Schedules I and J being filed simultaneously with this Modified Plan?

☐ Yes

☐ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures:

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are ineffective.

Signatures

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

By signing and filing this document, the debtor(s), if not represented by an attorney, or the attorney for the debtor(s) certify that the wording and order of the provisions in this Chapter 13 Plan are identical to *Local Form, Chapter 13 Plan and Motions*, other than any non-standard provisions included in Part 10.

I certify under penalty of perjury that the above is true.

Date: December 12, 2019

/s/ Anthony J Bersito

Anthony J Bersito

Debtor

Date: December 12, 2019

/s/ Josephine A. Bersito

Josephine A. Bersito

Joint Debtor

Date: December 12, 2019

/s/ Georgette Miller, Esq.

Georgette Miller, Esq.

Attorney for the Debtor(s)

Certificate of Notice Page 7 of 8

United States Bankruptcy Court
District of New JerseyIn re:
Anthony J Bersito
Josephine A. Bersito
DebtorsCase No. 19-32152-ABA
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
Form ID: pdf901Page 1 of 2
Total Noticed: 31

Date Rcvd: Dec 13, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 15, 2019.

db +Anthony J Bersito, 209 Winding Way Road, Stratford, NJ 08084-1803
 jdb #+Josephine A. Bersito, 209 Winding Way Road, Stratford, NJ 08084-1803
 518587334 +Axcssfncngo, 7755 Montgomery Rd, Cincinnati, OH 45236-4291
 518587338 +Bankamerica, 4909 Savarese Circle, Tampa, FL 33634-2413
 518587344 +Diaz Assocs, 17731 Irvine Blvd., Tustin, CA 92780-3206
 518587346 +First Premier Bank, 3820 N Louise Ave, Sioux Falls, SD 57107-0145
 518587350 +KML Law Group, PC, 216 Haddon Avenue, Suite 406, Westmont, NJ 08108-2812
 518587351 +Mariner Finance, 8211 Town Center Dr, Nottingham, MD 21236-5904
 518587353 +National Credit Adjust, P.O. Box 550, Hutchinson, KS 67504-0550
 518609848 Nissan Motor Acceptance, POB 660366, Dallas, TX 75266-0366
 518587354 +Nissan-infiniti Lt, Pob 660366, Dallas, TX 75266-0366
 518587359 Noble Fin, 25331 1h 10 West, San Antonio, TX 78257
 518587363 +Select Portfolio Svcn, 10401 Deerwood Park Blvd, Jacksonville, FL 32256-5007
 518587365 +Tbom/total Crd, Po Box 85710, Sioux Falls, SD 57118-5710
 518602280 +Wells Fargo Bank, N.A., Denise Carlon, Esquire, 216 Haddon Avenue, Ste. 406, Westmont, NJ 08108-2812
 518587368 Your Credit, 25331 1h 10 West, San Antonio, TX 78257

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

smg E-mail/Text: usanj.njbankr@usdoj.gov Dec 14 2019 00:03:47 U.S. Attorney, 970 Broad St., Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534
 smg +E-mail/Text: ustpreion03.ne.ecf@usdoj.gov Dec 14 2019 00:03:44 United States Trustee, Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100, Newark, NJ 07102-5235
 518587333 +E-mail/Text: ally@ebn.phinsolutions.com Dec 14 2019 00:01:31 Ally Financial, P.O. Box 380901, Bloomington, MN 55438-0901
 518602056 +E-mail/PDF: EBN_AIS@AMERICANINFOSOURCE.COM Dec 14 2019 00:11:52 Capital One Bank (USA), N.A., 4515 N Santa Fe Ave, Oklahoma City, OK 73118-7901
 518587339 +E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Dec 13 2019 23:58:57 Capital One Bank Usa N, Po Box 30281, Salt Lake City, UT 84130-0281
 518587342 +E-mail/Text: GenesisFS@ebn.phinsolutions.com Dec 14 2019 00:04:53 Cb Indigo/gf, Po Box 4499, Beaverton, OR 97076-4499
 518599645 E-mail/Text: mrdiscen@discover.com Dec 14 2019 00:02:53 Discover Bank, Discover Products Inc, PO Box 3025, New Albany, OH 43054-3025
 518587345 +E-mail/Text: mrdiscen@discover.com Dec 14 2019 00:02:53 Discover Fin Svcs Llc, Pob 15316, Wilmington, DE 19850-5316
 518587349 +E-mail/Text: hannlegal@hannfinancial.com Dec 14 2019 00:03:20 Hann Financial Service, One Center Drive, Jamesburg, NJ 08831-1564
 518587352 +E-mail/PDF: MerrickBKNotifications@Resurgent.com Dec 14 2019 00:00:02 Merrick Bank Corp, Po Box 9201, Old Bethpage, NY 11804-9001
 518587360 +E-mail/PDF: cbp@onemainfinancial.com Dec 13 2019 23:59:48 Onemain Financial, Po Box 1010, Evansville, IN 47706-1010
 518587361 +E-mail/Text: bkrgeneric@penfed.org Dec 14 2019 00:02:50 Pentagon Federal Cr Un, 1001 N. Fairfax, Alexandria, VA 22314-1797
 518587362 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Dec 14 2019 00:00:05 Portfolio Recov Assoc, 120 Corporate Blvd Ste 100, Norfolk, VA 23502-4952
 518587364 +E-mail/Text: jennifer.chacon@spservicing.com Dec 14 2019 00:04:52 Sps Select Portfolio Services, PO Box 65450, Salt Lake City, UT 84165-0450
 518587367 +E-mail/Text: inchargehq@westcreekfin.com Dec 14 2019 00:04:56 Westcreek Fi, 4951 Lake Brook Dr, Glen Allen, VA 23060-9279

TOTAL: 15

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****

518587335* +Axcssfncngo, 7755 Montgomery Rd, Cincinnati, OH 45236-4291
 518587336* +Axcssfncngo, 7755 Montgomery Rd, Cincinnati, OH 45236-4291
 518587337* +Axcssfncngo, 7755 Montgomery Rd, Cincinnati, OH 45236-4291
 518587340* +Capital One Bank Usa N, Po Box 30281, Salt Lake City, UT 84130-0281
 518587341* +Capital One Bank Usa N, Po Box 30281, Salt Lake City, UT 84130-0281
 518587343* +Cb Indigo/gf, Po Box 4499, Beaverton, OR 97076-4499
 518587347* +First Premier Bank, 3820 N Louise Ave, Sioux Falls, SD 57107-0145
 518587348* +First Premier Bank, 3820 N Louise Ave, Sioux Falls, SD 57107-0145
 518587355* +Nissan-infiniti Lt, Pob 660366, Dallas, TX 75266-0366
 518587356* +Nissan-infiniti Lt, Pob 660366, Dallas, TX 75266-0366
 518587357* +Nissan-infiniti Lt, Pob 660366, Dallas, TX 75266-0366
 518587358* +Nissan-infiniti Lt, Pob 660366, Dallas, TX 75266-0366
 518587366* +Tbom/total Crd, Po Box 85710, Sioux Falls, SD 57118-5710
 518587369* Your Credit, 25331 1h 10 West, San Antonio, TX 78257

TOTALS: 0, * 14, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

District/off: 0312-1

User: admin
Form ID: pdf901

Page 2 of 2
Total Noticed: 31

Date Rcvd: Dec 13, 2019

***** BYPASSED RECIPIENTS (continued) *****

Addresses marked '#' were identified by the USPS National Change of Address system as requiring an update. While the notice was still deliverable, the notice recipient was advised to update its address with the court immediately.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Dec 15, 2019

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 12, 2019 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Wells Fargo Bank, N.A., as Trustee, on behalf of the registered holders of Morgan Stanley ABS Capital I Inc. Trust Et Al... dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
Georgette Miller on behalf of Joint Debtor Josephine A. Bersito info@georgettemillerlaw.com, georgettemillerlaw@gmail.com; gmecfmail@gmail.com; dmayberry@georgettemillerlaw.com; smithcr50524@notify.bestcase.com; GNonnenberg@georgettemillerlaw.com
Georgette Miller on behalf of Debtor Anthony J Bersito info@georgettemillerlaw.com, georgettemillerlaw@gmail.com; gmecfmail@gmail.com; dmayberry@georgettemillerlaw.com; smithcr50524@notify.bestcase.com; GNonnenberg@georgettemillerlaw.com
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 5